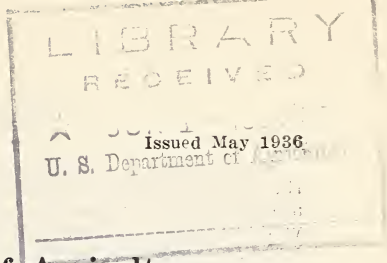


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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE CAUSTIC POISON ACT

[Given pursuant to section 9 of the Caustic Poison Act]

34-40

[Approved by the Acting Secretary of Agriculture, Washington, D. C., April 7, 1936]

34. Misbranding of packages of ammonia. U. S. v. Merchants Service Corporation. Plea of guilty. Fine, \$25 and costs. (C. P. A. no. 30. Sample no. 66763-A.)

This case involved a product in containers suitable for household use, which contained free or chemically uncombined ammonia in a concentration of 5 percent or more, and which was not labeled as required by law.

On February 6, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Merchants Service Corporation, trading at Chicago, Ill., alleging shipment by said company on or about August 9, 1933, from the State of Illinois into the State of Wyoming, of a quantity of ammonia the packages of which were misbranded in violation of the Federal Caustic Poison Act. The article was labeled in part: "Merchants Service Corp., Distributors, Chicago, * * * Concentrated Ammonia."

It was alleged in the information that the article contained ammonia (NH₃) in a concentration of 5 percent or more and was a dangerous caustic or corrosive substance in packages suitable for household use, and that it was misbranded in that the bottle label did not contain the word "poison" as required by law, and did not have printed thereon directions in case of accidental personal injury.

On October 17, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

35. Misbranding of packages of permanent wave solution. U. S. v. Paul's, Inc. Plea of guilty. Fine, \$25. (C. P. A. no. 33. Sample nos. 41262-A, 69019-A.)

This case was based on interstate shipments of products in containers suitable for household use that contained ammonia, a dangerous caustic or corrosive substance, in concentration of 5 percent or more, and were not labeled as required by law.

On September 24, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Paul's, Inc., Minneapolis, Minn., alleging shipment by said company, on or about August 7, 1933, and February 16, 1934, from the State of Minnesota into the States of Wisconsin and Missouri, respectively, of quantities of permanent-wave solutions which were dangerous caustic or corrosive substances within the meaning of the Federal Caustic Poison Act and which were misbranded. One shipment was labeled in part: (Bottle) "Paul's Inc. Loeb Arcade Minneapolis, Minn."; (carton) "Paul's Supreme Method Supreme Beautiful Waves." The remaining shipment was labeled in part: (bottle) "Paul's Inc. Loeb Arcade Minneapolis, Minn. Paul Kunian"; (carton) "Paramount Permanettes * * * Paul's Permanent Wave Machine Co., Minneapolis, Minn., a Division of Paul's Inc."

The articles were alleged to be misbranded in that the labels did not bear thereon the name of the dangerous caustic or corrosive substance, namely, ammonia, and in that the labels did not bear and have printed thereon the word "poison", as required by law.

On November 11, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*

36. Misbranding of packages of permanent wave solution (LaSalle sachets). U. S. v. The LaSalle Permanent Wave Machine Co. Plea of guilty. Fine, \$1. (C. P. A. no. 34. Sample no. 65816-A.)

This case was based on an interstate shipment of a product in containers suitable for household use, which contained ammonia, a dangerous caustic or corrosive substance, in concentration of 5 percent or more, and which were not labeled as required by law.

On September 24, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the LaSalle Permanent Wave Machine Co., a corporation, Minneapolis, Minn., alleging shipment by said company on or about August 10, 1933, from the State of Minnesota into the State of Missouri of a quantity of permanent-wave solution which was a dangerous caustic or corrosive substance within the meaning of the Federal Caustic Poison Act, and which was misbranded. The article was labeled in part: (Bottle) "Prepared by the LaSalle Permanent Wave Machine Co. Loeb Arcade Minneapolis Minnesota"; (carton) "La Salle Sachets."

The article was alleged to be misbranded in that the label on the packages did not bear a statement of the common name of the dangerous caustic or corrosive substance present therein, namely, ammonia.

On November 11, 1935, a plea of guilty was entered on behalf of defendant company and the court imposed a fine of \$1.

W. R. GREGG, *Acting Secretary of Agriculture.*

37. Misbranding of packages of Alfreda Revitalizing Lotion. U. S. v. National Mineral Co. Plea of guilty. Fine, \$15 and costs. (C. P. A. no. 48. Sample no. 46740-A.)

This case was based on a shipment of a product in packages suitable for household use, which contained ammonia, a dangerous caustic or corrosive substance, in concentration of 5 percent or more, and which were not labeled as required by law.

On April 9, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the National Mineral Co., a corporation, Chicago, Ill., alleging shipment by said company on or about January 17, 1934, from the State of Illinois into the State of Texas, of a quantity of Alfreda Revitalizing Lotion which was a dangerous caustic or corrosive substance within the meaning of the Federal Caustic Poison Act, and which was misbranded. The article was labeled in part: "Alfreda Revitalizing Lotion Helene Curtis Method of Permanent Waving National Mineral Co., Chicago, Ill."

The article was alleged to be misbranded in that the label did not bear the common name of the said dangerous caustic or corrosive substance, namely, ammonia; it did not bear the word "poison"; and did not have printed thereon directions for treatment in case of accidental personal injury, as required by law.

On November 26, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$15 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

38. Misbranding of packages of Adams Healox and Adams Wire Cut Fluid. U. S. v. 62 Bottles of Adams Healox and 118 Bottles of Adams Wire Cut Fluid. Default decree of condemnation and destruction. (C. P. A. nos. 57, 58. Sample nos. 48048-B, 48050-B.)

This case involved products in containers suitable for household use, which were misbranded since they contained carbolic acid, a dangerous caustic or corrosive substance, in concentration of 5 percent or more, and which were not labeled as required by law.

On November 22, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 62 bottles of Adams Healox and 118 bottles of Adams Wire Cut Fluid at Chicago, Ill., alleging that the articles had been shipped in interstate commerce on or about October 7, 1935, by the Adams Paper & Specialties Co., from Waterloo, Iowa, and charging misbranding in violation of the Federal Caustic Poison Act. The articles were labeled in part: "Adams Healox [or "Wire Cut Fluid"] * * * Sold Exclusively By Adams Affiliated Companies, Waterloo, Ia."

The articles were alleged to be misbranded in that the word "poison" borne on the labels, was not printed in uncondensed Gothic capital letters, and was not 24-point size, but was of condensed Gothic letters and smaller than 24-point size and smaller than the largest type on the label; the label did not bear the common name of the said dangerous caustic or corrosive substance, and did not bear adequate directions for treatment in case of accidental personal injury.

On February 3, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

39. Misbranding of packages of Linane. U. S. v. 96 Boxes of Linane. Default decree of condemnation and destruction. (C. P. A. no. 60. Sample no. 51150-B.)

This product contained oxalic acid, a dangerous caustic or corrosive substance, in concentration of approximately 97 percent and was not labeled as required by law.

On January 13, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 96 boxes of Linane at Baltimore, Md., consigned by the Higgins Drug Co., Springfield, Ohio, alleging that the article had been shipped in interstate commerce on or about June 18, 1934, from the State of Ohio into the State of Maryland and charging misbranding in violation of the Federal Caustic Poison Act.

The article was alleged to be misbranded in that the label did not bear a statement giving the common name of the dangerous caustic or corrosive substance contained in the article, namely, oxalic acid; the label did not bear the word "poison" as required by law; and did not bear directions for treatment in case of accidental personal injury.

On February 28, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

40. Misbranding of packages of Ozon. U. S. v. J. Schanzenbach & Co., Inc. Plea of guilty. Fine, \$50. (C. P. A. no. 53. Sample no. 38377-B.)

This case was based on the shipment of a product which contained ammonia, a dangerous caustic or corrosive substance in concentration of 5 percent, or more (approximately 13.27 percent) and which was not labeled "poison" as required by law.

On February 6, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against J. Schanzenbach & Co., Inc., New York, N. Y., alleging shipment by said company on or about April 22, 1935, from the State of New York into the State of New Jersey of a quantity of Ozon, which was a dangerous caustic or corrosive substance in packages suitable for household use within the meaning of the Federal Caustic Poison Act, and was misbranded. The article was labeled in part: "Ozon Permanent Waving Concentrate (With Ammonia) * * * Sole Manufacturers J. Schanzenbach & Co., Inc., New York, N. Y."

The article was alleged to be misbranded in that the packages did not bear and have printed thereon the word "poison", as required by law.

On February 25, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

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